

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Mitalipova et al.)	Conf. No.: 8860
Serial No.: 10/539,951)	
)	Art Unit: 1649
Filed: February 5, 2006)	
)	Examiner: Robert C. Hayes, Ph.D.
For: Compositions and Methods For Neural Cell Production and Stabilization)	

RESPONSE TO RESTRICTION REQUIREMENT


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement mailed April 4, 2008, Applicants provisionally elect with traverse Group V which encompasses Claims 46-55, drawn to a multipotent progenitor cell composition comprising an isolated neural cell that expresses nestin, and has been stabilized by contact with MEDII conditioned medium for greater than 2 passages, and the cell can differentiate into more than one type of further differentiated neural cell.

The Restriction Requirement is respectfully traversed on the basis that the five (5) groups of claims relate to a single general inventive concept because they share a corresponding special technical feature, *i.e.*, using MEDII as a conditioned media for stabilizing a neural cell, which can differentiate into more than one type of further differentiated neural cell. MPEP § 1893.03(d). The Office Action asserted that the groups lack the same or corresponding special technical feature. In particular, the Office Action asserted that no special technical feature exists for Group I, drawn to methods of stabilizing a neural cell because it does not define a contribution over Carpenter et al. (U.S. Patent No. 5,968,829). The Office Action further asserted that Group V is drawn to a structurally different product, which does not share the same or a corresponding technical feature, and the technical features of Groups II-IV are drawn to methods having different goals, method steps and starting materials, which do not require each other for

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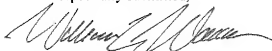

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their practice and do not share the same or a corresponding technical feature. Therefore, the Office Action concluded that, because the technical feature of Group I is not a special technical feature over Carpenter et al., and because the technical features of the Group II-V inventions are not present in the Group I claims, unity of invention is lacking.

Applicants respectfully submit that the common technical feature shared by each of the groups is the use of MEDII conditioned media for stabilizing a neural cell, which can differentiate into more than one type of further differentiated neural cell. The MEDII conditioned media is not disclosed in Carpenter et al. or any other prior art references. Accordingly, as each of the groups of claims share a technical feature that is a contribution over the prior art, the restriction requirement should be withdrawn.

For the foregoing reasons, Applicants provisionally elect with traverse Group V which encompasses Claims 46-55, drawn to a multipotent progenitor cell composition comprising an isolated neural cell that expresses nestin, and has been stabilized by contact with MEDII conditioned medium for greater than 2 passages, and the cell can differentiate into more than one type of further differentiated neural cell. The foregoing is submitted as a full and complete response to the Restriction Requirement mailed April 4, 2008. If there are any issues which can be resolved by telephone conference, the Examiner is invited to call the undersigned attorney at (404) 853-8000. No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees due or credit any overpayment to Deposit Account No. 19-5029 (Reference No. 18377-0061).

Respectfully submitted,



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